



House of Representatives

General Assembly

File No. 141

January Session, 2003

House Bill No. 6578

House of Representatives, April 1, 2003

The Committee on Public Safety reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT MODIFYING THE GROUNDS FOR REFUSAL TO ISSUE PERMITS TO CARRY A PISTOL OR REVOLVER.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 29-28 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (b) Upon the application of any person having a bona fide residence
5 or place of business within the jurisdiction of any such authority, such
6 chief of police, warden or selectman may issue a temporary state
7 permit to such person to carry a pistol or revolver within the state,
8 provided such authority shall find that such applicant intends to make
9 no use of any pistol or revolver which such applicant may be
10 permitted to carry under such permit other than a lawful use and that
11 such person is a suitable person to receive such permit. No state or
12 temporary state permit to carry a pistol or revolver shall be issued
13 under this subsection if the applicant (1) has failed to successfully

14 complete a course approved by the Commissioner of Public Safety in
15 the safety and use of pistols and revolvers including, but not limited
16 to, a safety or training course in the use of pistols and revolvers
17 available to the public offered by a law enforcement agency, a private
18 or public educational institution or a firearms training school, utilizing
19 instructors certified by the National Rifle Association or the
20 Department of Environmental Protection and a safety or training
21 course in the use of pistols or revolvers conducted by an instructor
22 certified by the state or the National Rifle Association, (2) has been
23 convicted of a felony, [or] (3) has been convicted of a violation of
24 subsection (c) of section 21a-279, section 53a-58, 53a-61, 53a-61a, 53a-
25 62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d within the
26 preceding five years, [(3)] (4) has been convicted as delinquent for the
27 commission of a serious juvenile offense, as defined in section 46b-120,
28 [(4)] (5) has been discharged from custody within the preceding twenty
29 years after having been found not guilty of a crime by reason of mental
30 disease or defect pursuant to section 53a-13, [(5)] (6) has been confined
31 in a hospital for persons with psychiatric disabilities, as defined in
32 section 17a-495, within the preceding twelve months by order of a
33 probate court, [(6)] (7) is subject to a restraining or protective order
34 issued by a court in a case involving the use, attempted use or
35 threatened use of physical force against another person, [(7)] (8) is
36 subject to a firearms seizure order issued pursuant to subsection (d) of
37 section 29-38c after notice and hearing, [(8)] (9) is an alien illegally or
38 unlawfully in the United States, or [(9)] (10) is less than twenty-one
39 years of age. Nothing in this section shall require any person who
40 holds a valid permit to carry a pistol or revolver on October 1, 1994, to
41 participate in any additional training in the safety and use of pistols
42 and revolvers. Upon issuance of a temporary state permit to the
43 applicant, the local authority shall forward the original application to
44 the commissioner. Not later than sixty days after receiving a
45 temporary state permit, an applicant shall appear at a location
46 designated by the commissioner to receive the state permit. Said
47 commissioner may then issue, to any holder of any temporary state
48 permit, a state permit to carry a pistol or revolver within the state.

49 Upon issuance of the state permit, the commissioner shall forward a
50 record of such permit to the local authority issuing the temporary state
51 permit. The commissioner shall retain records of all applications,
52 whether approved or denied. The copy of the state permit delivered to
53 the permittee shall be laminated and shall contain a full-face
54 photograph of such permittee. A person holding a state permit issued
55 pursuant to this subsection shall notify the issuing authority within
56 two business days of any change of such person's address. The
57 notification shall include the old address and the new address of such
58 person.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

PS *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Public Safety, Dept.	GF - Revenue Gain	6,825-11,375	6,825-11,375

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill allows certain people, who were convicted of specified misdemeanors more than five years ago, to obtain a permit to carry a pistol or revolver. Current law prohibits these individuals from getting a permit at any time.

These permits, which are valid for a five-year period, are subject to a \$35 fee. Last year, there were approximately 18,000 permit renewals and 6,500 new permits. Total revenue was \$850,000. To the extent that passage of the bill results in an increased number of applications for permits, there would be additional revenue to the state. It is estimated that there would potentially be a 3% - 5% increase in applications.

OLR Bill Analysis

HB 6578

AN ACT MODIFYING THE GROUNDS FOR REFUSAL TO ISSUE PERMITS TO CARRY A PISTOL OR REVOLVER**SUMMARY:**

Under current law, people convicted of a felony or specified misdemeanors cannot get the required permit to carry a handgun in the state. This bill allows people convicted of any of the specified misdemeanors to get a permit if the conviction occurred more than five years before they apply (see COMMENTS). The disqualifying crimes are:

1. illegal possession of certain drugs;
2. criminally negligent homicide;
3. 3rd degree assault;
4. 3rd degree assault of an elderly, blind, disabled, pregnant, or mentally retarded person;
5. 2nd degree threatening;
6. 1st degree reckless endangerment;
7. 2nd degree unlawful restraint;
8. 1st degree riot;
9. 2nd degree riot;
10. inciting to riot; and
11. 2nd degree stalking.

EFFECTIVE DATE: October 1, 2003

COMMENTS

Handgun Possession Under State Law

By law, which this bill does not change, people convicted of the disqualifying misdemeanors identified in the bill are permanently barred from possessing handguns or getting eligibility certificates to obtain them (CGS §§ 53a-217c and 29-36f). Thus, the bill makes them eligible to get gun permits to carry handguns, but under the law, they remain ineligible to possess them.

Illegal Possession of Certain Drugs

By law, possession of less than four ounces of marijuana is a misdemeanor offence (CGS § 21a-279). But a subsequent violation is a felony. It is unclear how this bill would apply to a person convicted of a second violation of this statute if the second violation occurred more than five years before he applies for a permit.

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Report

Yea 22 Nay 0